403 SB of 2004

Hon'ble Irshad Hussain, J.

Hon'ble B.S. Verma, J

(CLMA 7503 of 2004)

Heard Sh. S.S. Chaudhary learned counsel for the petitioner and Sh. D.S. Patni learned counsel for the respondent.

Learned counsel for the petitioner has submitted that that question raised in the present writ petition is squarely covered by the judgment dt. 5-10-2001 of this court passed in writ petition No. 860 (SB) of 2001 (Sukh Dev VS. State of Uttaranchal and others)

Learned counsel for the respondents is also agreed that the case is squarely covered by the aforesaid judgment provided that the option of the petitioner submitted before the Department is found to be genuine.

In view of the aforesaid statement, the writ petition is decided in terms of Judgment dt. 5-10-2001 passed by this court in Writ Petition No. 860 (SB) of 2001 (Sukh Dev Vs. State of Uttaranchal and others) provided that the option of the petitioner submitted before the Department is found to be genuine.

(B.S.Verma,J) (I.Hussain,J)

24-12-2004

M.K.